

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:08-cr-00109-W**

**DR. JOHN POWDERLY II AND CAROLINA)
BIOONCOLOGY INSTITUTE, PLLC,)**

Plaintiffs,)

vs.)

**BLUE CROSS AND BLUE SHIELD OF)
NORTH CAROLINA; et. al.,)**

Defendants.)

**ORDER
and NOTICE OF HEARING**

THE MATTER is before the Court on Plaintiffs' unopposed Motion for Extension of Time to File a Response (Doc. No. 32) to the motions to dismiss filed by Defendants (Docs. Nos. 23, 28). Also before the Court, *sua sponte*, is the issue of a hearing on the pending motions to dismiss. Because the Court is calendaring a hearing on the pending motions, the Court GRANTS in part and DENIES in part Plaintiffs' motion.

For the reasons stated in Plaintiffs' motion, Plaintiffs shall have until Thursday, May 22, 2008, to file their responses to Defendants' motions to dismiss. Additionally, all parties shall TAKE NOTICE that a hearing on the aforementioned motions to dismiss will take place on Monday, June 9, 2008, at 9:00 AM in Bankruptcy Courtroom #126 in the Charles R. Jonas Federal Building in Charlotte, North Carolina. Oral arguments will be limited to fifteen (15) minutes per side.

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Extension of Time (Doc. No. 32) is GRANTED IN PART AND DENIED IN PART. TAKE NOTICE that a hearing on Defendants' motions to dismiss (Docs. Nos. 23, 28) shall take place on Monday, June 9, 2008, at 9:00 AM in Bankruptcy Courtroom #126.

IT IS SO ORDERED.

Signed: April 30, 2008



Frank D. Whitney
United States District Judge

